

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MICHAEL MULLA,

Plaintiff,

v.

CIVIL ACTION NO. 2:25-cv-00311

ALLAN PRITT, et al.,

Defendants.

ORDER

By standing order entered on January 4, 2016, and filed in this case on May 13, 2025, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on August 19, 2025, recommending this Court dismiss this action pursuant to Rules 4(m) of the Federal Rules of Civil Procedure because Plaintiff Michael Mulla (“Plaintiff”) has failed to serve the Summons and Complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure and provide proof thereof. (ECF No. 5; *see also* ECF No. 4 (directing Plaintiff to provide proof of service on or before 4:00 p.m. EST on August 12, 2025, and further notifying Plaintiff that failure to comply would result in the Magistrate Judge submitting a recommendation that this matter be dismissed).)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the PF&R to which no objections

are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

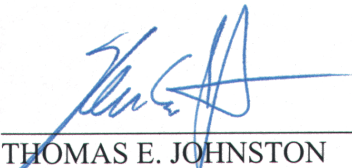
Objections to the PF&R in this case were due on September 5, 2025. (ECF No. 5.) To date, Plaintiff has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 5), and **DISMISSES** this action **WITH PREJUDICE** for failure to serve the Summons and Complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 11, 2025



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE